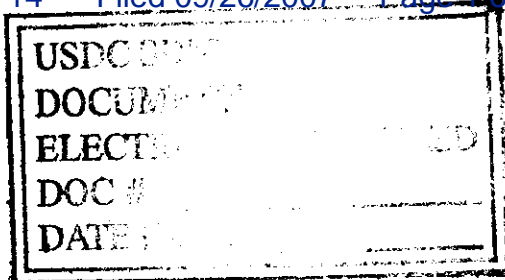


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V

Daryl Simon-----x



CONSENT TO PROCEED BEFORE
A UNITED STATES MAGISTRATE
JUDGE ON A FELONY PLEA
ALLOCATION

Docket Number 7CR 474 (CB)

The undersigned defendant, advised by my undersigned attorney, consents to a United States Magistrate Judge presiding over the proceedings required by Rule 11, Fed. R. Crim. P., for me to enter a plea of guilty in my case, or to change my plea, if one has previously been made, from not guilty to guilty, in accordance with the Standing Order of the assigned United States District Judge under Miscellaneous Docket M 10-468. I understand that if my plea is accepted, my sentencing will take place before the United States District Judge who is assigned, or who is to be assigned, to my case.

I understand that I have the absolute right to insist that all Rule 11 proceedings be conducted before an Article III Judge, and hereby represent and confirm to the Magistrate Judge that no threats or promises, or other improper inducements, have been made to cause me to consent to this procedure, and that I do so voluntarily.

IN WITNESS WHEREOF we have executed this consent this 25 day of September 2007, at the White Plains Courthouse, White Plains, New York.

X [Signature]
Defendant

X [Signature]
Attorney for Defendant
Accepted by: [Signature]
George A. Yanthis
United States Magistrate Judge
Southern District of New York